

105TH CONGRESS
2D SESSION

S. 191

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1998

Referred to the Committee on the Judiciary

AN ACT

To throttle criminal use of guns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES**
 2 **CODE.**

3 (a) IN GENERAL.—Section 924(c) of title 18, United
 4 States Code, is amended—

5 (1) by striking “(c)” and all that follows
 6 through “(2)” and inserting the following:

7 “(c) POSSESSION OF FIREARM DURING COMMISSION
 8 OF CRIME OF VIOLENCE OR DRUG TRAFFICKING
 9 CRIME.—

10 “(1) TERM OF IMPRISONMENT.—

11 “(A) IN GENERAL.—Except to the extent
 12 that a greater minimum sentence is otherwise
 13 provided by this subsection or by any other pro-
 14 vision of law, any person who, during and in re-
 15 lation to any crime of violence or drug traffick-
 16 ing crime (including a crime of violence or drug
 17 trafficking crime that provides for an enhanced
 18 punishment if committed by the use of a deadly
 19 or dangerous weapon or device) for which a per-
 20 son may be prosecuted in a court of the United
 21 States, uses or carries a firearm, or who, in fur-
 22 therance of any such crime, possesses a firearm,
 23 shall, in addition to the punishment provided
 24 for such crime of violence or drug trafficking
 25 crime—

1 “(i) be sentenced to a term of impris-
2 onment of not less than 5 years; and

3 “(ii) if the firearm is discharged, be
4 sentenced to a term of imprisonment of
5 not less than 10 years.

6 “(B) EXCEPTION FOR CERTAIN OF-
7 FENSES.—If the firearm possessed by a person
8 convicted of a violation of this subsection—

9 “(i) is a short-barreled rifle, short-
10 barreled shotgun, or semiautomatic assault
11 weapon, the person shall be sentenced to a
12 term of imprisonment of not less than 10
13 years; and

14 “(ii) is a machinegun or a destructive
15 device, or is equipped with a firearm si-
16 lencer or firearm muffler, the person shall
17 be sentenced to a term of imprisonment of
18 not less than 30 years.

19 “(C) EXCEPTION FOR CERTAIN OFFEND-
20 ERS.—In the case of a second or subsequent
21 conviction under this subsection, a person
22 shall—

23 “(i) be sentenced to a term of impris-
24 onment of not less than 25 years; and

1 “(ii) if the firearm at issue is a ma-
 2 chinegun or a destructive device, or is
 3 equipped with a firearm silencer or firearm
 4 muffler, be sentenced to a term of impris-
 5 onment for life.

6 “(D) PROBATION AND CONCURRENT SEN-
 7 TENCES.—Notwithstanding any other provision
 8 of law—

9 “(i) a court shall not place on proba-
 10 tion any person convicted of a violation of
 11 this subsection; and

12 “(ii) no term of imprisonment im-
 13 posed on a person under this subsection
 14 shall run concurrently with any other term
 15 of imprisonment imposed on the person,
 16 including any term of imprisonment im-
 17 posed for the crime of violence or drug
 18 trafficking crime during which the firearm
 19 was used, carried, or possessed.

20 “(2) DEFINITION OF ‘DRUG TRAFFICKING
 21 CRIME’.—”; and

22 (2) in paragraph (3)—

23 (A) by striking “(3) For” and inserting
 24 the following:

1 “(3) DEFINITION OF ‘CRIME OF VIOLENCE’.—
2 For”; and
3 (B) by indenting each of subparagraphs
4 (A) and (B) 2 ems to the right.
5 (b) CONFORMING AMENDMENT.—Section
6 3559(c)(2)(F)(i) of title 18, United States Code, is
7 amended by inserting “firearms possession (as described
8 in section 924(c));” after “firearms use;”.

Passed the Senate November 13, 1997.

Attest:

GARY SISCO,
Secretary.